

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 238.16, the Department of Human Services proposes to amend Chapter 108, “Licensing and Regulation of Child-Placing Agencies,” Iowa Administrative Code.

The proposed amendments strengthen the licensing requirements for child-placing agencies in the area of supervised apartment living placement services. The changes include:

- Requiring a description of education and community activity options available to be included in the agency program statement that is given to all children in supervised apartment placement.
- Requiring the agency to document its findings that the proposed living situation is safe; is accessible to the child’s school, work, and activities; and is reasonably priced and that the agency program will meet the child’s needs.
- Removing the requirement that the child’s combination of school and work must be equivalent to a full-time commitment, given the scarcity of jobs for persons of this age and skill level.
- Requiring the agency to involve the child’s family in the development of the child’s service plan and specifying the elements that the service plan must include.
- Requiring that agency staff be present in a cluster-site arrangement at any time when a child is in the living unit and be available to the children in placement 24 hours per day, seven days per week.
- Requiring agency staff to document their personal observation that the living situation allows for the child’s social and emotional needs to be met, has a telephone and a working smoke detector, and presents no reasonable cause for believing that the child’s mode of living presents unacceptable risks to the child’s health or safety.

These changes were identified in the program review conducted to prepare the Department’s Request for Proposals ACFS-11-115 for purchase of services to children in supervised apartment living foster care. The Department finds that these changes offer basic protections that should be available to all children in a supervised apartment placement operated by a child-placing agency.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before July 5, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 238.

The following amendments are proposed.

Amend rule 441—108.10(238) as follows:

441—108.10(238) Supervised apartment living placement services. An agency seeking to obtain a child-placing license which authorizes the agency to place or supervise children in supervised apartment living placements shall meet the standards in rules 441—108.2(238) to 441—108.6(238).

108.10(1) Program statement. An agency authorized to place or supervise children in supervised apartment living placements shall have a current written program statement which includes shall be provided to all children placed in supervised apartment living. The statement shall include all of the following:

a. to f. No change.

g. A description of the education and community activity options that are available.

~~This program statement shall be provided to all children placed in supervised apartment living.~~

108.10(2) Basis for placement. Before placing a child in supervised apartment living, an agency shall document all of the following:

a. to d. No change.

e. The child ~~shall~~ will be involved in school or ~~other~~ an educational or vocational program, work, or a combination thereof ~~on a full-time basis~~, as indicated in the child's individual ~~care~~ service plan.

f. The child has entered into a mutually agreed-upon written contract with the agency which specifies the responsibilities of the agency and the child. This contract shall be reviewed with the child quarterly.

g. ~~If~~ The agency has been determined, through a visit to the living arrangement, that the following minimum standards for approval have been met:

(1) The living arrangement provides reasonably convenient access to schools, places of employment, and services required by the child.

(2) The living arrangement is in compliance with the applicable state and local zoning, fire, sanitary, and safety regulations.

(3) The living arrangement is reasonably priced to fit within the child's budget.

h. The agency has determined, based on the criteria in this subrule, that the agency's program can meet the needs of the child.

108.10(3) Services provided. The following services are required:

a. Ongoing assessment that identifies the child's strengths and needs as these pertain to the child's ability to live independently.

b. ~~The development~~ Development of an individual service plan by the agency worker within 30 days of the child's placement. The service plan shall be developed in consultation with the child, the child's family (unless a reason for noninvolvement is documented in the case record), and referring agent worker and shall be signed by all involved. The individual service plan shall include projection of the expected length of stay in supervised apartment living and shall address the activities necessary to achieve independence and the services needed to be provided to the child. The individual service plan shall be reviewed and updated quarterly or more often as necessary and shall be signed by all involved. The plan shall document the following:

(1) The goals that are intended to meet the specific needs of the child and the projected dates of accomplishment.

(2) The objectives (action steps) to be taken by the child and the agency and the projected dates of accomplishment to meet the child's goals.

(3) The services and activities necessary to achieve the child's goals and facilitate objectives (action steps), the frequency of services or activities, and the persons responsible.

(4) A budget, developed with the child, based upon the child's monthly maintenance payment, any start-up allowance, and any earned or unearned income or assistance (such as food assistance). The agency worker shall work with the child to ensure that needed items are purchased and that bills are paid.

(5) In the quarterly update, the child's progress toward the goals and objectives and the child's compliance with the service plan.

c. Supervision to assist the youth child in developing the needed structure to live in this setting and in locating and using other needed services. Supervision ~~may~~ shall include guidance, oversight, and behavior monitoring.

(1) If the youth child is under age 18, supervision shall include a minimum of weekly face-to-face contacts.

(2) For youth children aged 18 or older, supervision shall include a ~~minimum of biweekly face-to-face contacts~~ contact at least every other week.

(3) Agency staff shall be present on site in a cluster setting at any time when more than one child is present in the living arrangement and shall be available to the children 24 hours a day, seven days a week.

(4) The agency shall provide a means for children in a scattered site setting to contact agency personnel 24 hours a day, seven days a week.

(5) The agency shall ensure that each child has access to and is receiving necessary medical care.

d. Personal Documented observation by the agency worker that the living situation provides safe and suitable social, emotional, and physical care.:

(1) The living situation is an environment that allows for the child's social and emotional needs to be met;

(2) There is an operating smoke alarm on each level of occupancy;

(3) The child has access to a telephone; and

(4) There is no reasonable cause for believing that the child's mode of living presents any unacceptable risks to the child's health or safety.

e. Maintenance of a means by which the youth can contact agency personnel 24 hours a day, seven days a week.

108.10(4) Record. ~~An~~ In addition to any other documentation requirements, an agency shall maintain a record for each child in a supervised apartment living placement. The record shall contain all of the following:

a. and b. No change.

c. Name, address, and ~~phone~~ telephone number of guardian, if applicable, and referring agent worker.

d. to g. No change.

108.10(5) No change.